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January 14, 2004

TO: Each Supervisor

FROM: Thomas L. Garthwaite, M.D. 
Director and Chief Medical Officer

SUBJECT: **DHS COVERAGE AND ELIGIBILITY DETERMINATION**

This is to provide you with a status report on the Department's progress in implementing the health coverage and patient eligibility determination recommendations your Board approved on June 3, 2003 regarding the limitation of nonemergency medical care to Los Angeles County (LACO) residents only.

Patient Eligibility Determination – Nonemergency Care

Effective October 1, 2003, the Department implemented its policy limiting nonemergency medical care to LACO residents in the Health Centers (HC), Comprehensive Health Centers (CHC), and the Multi-Service Ambulatory Care Center (MACC) for new patients. Policy implementation for established patients became effective November 1, 2003. Effective December 1, 2003, the Department implemented these policies for new patients in the hospital-based outpatient clinics and hospital inpatient scheduled care. The policy for established patients in the hospital-based outpatient clinics is targeted for implementation on January 2, 2004 and hospital emergency room follow-up is targeted for implementation on March 1, 2004.

Implementation of this policy in the County's Public Private Partner clinics will require amendments to the existing contracts that must be approved by your Board. The Office of Ambulatory Care is working with County Counsel to bring a package to your Board that will include other unrelated contract amendments necessary for the program.

Pursuant to this policy, individuals who cannot verify a LACO address and do not have third party coverage (e.g., Medi-Cal, Medicare) or who cannot pay full charges, will not

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receive non-emergency care. This policy does not apply to Public Health services.

In our last report to the Board, dated September 30, 2003, I indicated that the Etter plaintiffs had concerns regarding these policy changes related to the Outpatient Reduced-Cost Simplified Application plans and had expressed the possibility of filing a court motion to defer the implementation of these policies. Pursuant to the Consent Decree in the Etter settlement, the plaintiffs had until October 18, 2003 to file a court motion. The plaintiffs did not file a court motion by the required deadline.

From initial policy implementation through December 31, 2003, 520 patients were deferred pursuant to these policy changes. Two-hundred sixty-six (51%) presented as residing in another California County, 125 (24%) self deferred, 109 (21%) as residing in another country, and 20 (4%) indicated they lived in LACO, but could not provide address verification.

Emergency Medical Treatment and Active Labor Act (EMTALA)

DHS has implemented these policy changes in our hospital-based outpatient clinics consistent with County Counsel's opinion related to the revised EMTALA regulations.

I will provide you with a report on our progress to implement these initiatives by March 15, 2004. In the meantime, if you have any questions or need additional information, please let me know.

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c: Chief Administrative Officer
County Counsel
Executive Officer, Board of Supervisors